IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO.10930 of 2004

Between:

Smt. Darla Parvathi W/o.Late Samba Siva Rao
R/o.5-5 Ranga Nagar Colony, HMT Road, Chintal, Hyderabad.

..... PETITIONER

AND

1 Station House Officer, Jeedimetla Police Station
Jeedimetla (Hyderabad) RR District.
2 Station House Officer Balanagar Police Station
Balanagar, (Hyderabad) RR District.
3 Commissioner of Police, Cyberabad Police Commissionarate,
Lakdikapool, Hyderabad.
4 Sri Muniruddin S/o. Not known, R/o. H.No.8-245, Siva Reddy Colony,

Near New Vivekananda Nagar, Chintal, Hyderabad -54.
5 Dr.K.Brahmaiah Jaya Sai Clinic Plot No.7
H.No.6-282/a, Mallikarjuna Nagar Near Siddhartha High School, HMT Road,
Chintal, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ or direction especially one in the nature of writ of mandamus by declaring the in action of the respondents is as illegal and arbitrary and violative of Article 14 and 21 of the Constitution of India, with a further direction to respondents 1 to 3 to take action on the complaint of the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner:MR.CHANDRASEKHAR SIRIPALLI

Counsel for the Respondent Nos.1 to 3: GP FOR HOME

The Court at the admission stage made the following Order:

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THE HON'BLE Ms.JUSTICE G.ROHINI

WRIT PETITION NO.10930 OF 2004

ORDER:

The petitioner seeks a Writ of Mandamus declaring the alleged inaction of respondents 1 to 3 in taking action on the complaint given by the petitioner as arbitrary and illegal.

It is stated in the affidavit filed in support of the writ petition that the petitioner is the wife of one Darla Sambasiva Rao. On 12-02-2004, the husband of the petitioner went to Market for purchase of vegetables at about 9.00 p.m., and thereafter, he did not turn back. Subsequently, on enquiry, the petitioner and her family members came to know that her husband met with an accident near Telangana Spinning Mills and that the fourth respondent who was driving the motorcycle bearing No.APL 7379 was the culprit. Immediately, they lodged a complaint with the first respondent-Station House Officer, Jeedimetla, which was registered as a man missing case in Cr.No.77 of 2004. Subsequently, a dead body was found in a decomposed condition, and the same was identified as that of petitioner's husband. Since the Post-Mortem report revealed that the husband of the petitioner died due to the accident, the petitioner suspected that the fourth respondent with the help of the fifth respondent who is a Doctor and others, have thrown the dead body of petitioner's husband in the backside sump of Usha Factory Balanagar. The petitioner states that on enquiry they came to know that after the accident, the 4th respondent took her husband to one of the nearest clinic by name "Jai Sai Clinic" run by the 5th respondent. However, the respondents 1 and 2 failed to take any action against the fourth respondent and trying to drag on the matter, though prima facie material has been placed before them to show that the fourth respondent was involved in the offence. Hence the present writ petition.

The Sub-Inspector of Police, P.S. Jeedimetla, who is the first respondent filed a

counter-affidavit denying all the allegations made by the petitioner. He stated that on the basis of the complaint given by the son of petitioner, Cr.No.77 of 2004 was registered in Jeedimetla Police Station as Man Missing. During the course of investigation, it was found that one Muneeruddin working as teacher approached Dr.Kammari Brahmaiah for treatment of the husband of the petitioner. The said doctor stated that the husband of the petitioner was found to be in good health and there was no need to give any treatment. It is also stated that during the investigation, one unknown body was found in P.S.Balanagar limits near Usha Factory, Balanagar, which is the subject matter of Cr.No.60 of 2004. Subsequently, the body came to be identified as that of missing man in Cr.No.77 of 2004 of PS Jeedimetla. Thereafter, the Balanagar Police altered the same to Section 302 IPC on receipt of Post-Mortem report. However, after completing the investigation, the Balanagar Police altered the provision of law from Section 302 IPC to Section 304(A) IPC as the petitioner and others revealed the facts which lead to missing of husband of the petitioner and forwarded CD file to the Jeedimetla Police, and the same is under investigation with Jeedimetla Police.

From the averments of the counter-affidavit, it is clear that the investigation is pending. In the light of the unrebutted averments in the counter-affidavit, the allegation of the petitioner that the respondents 1 to 3 failed to take any action on the complaint given by the petitioner is unfounded. Accordingly, recording the statement of first respondent-Sub Inspector of Police, PS Jeedimetla, that the investigation is still pending, this Writ Petition is disposed of with a direction to respondents 1 to 3 to complete the investigation as expeditiously as possible and to take the further steps according to law. The petitioner is also granted liberty to institute fresh proceedings as may be permissible under law in case necessity thereof arises.

The Writ Petition is accordingly disposed of. No costs.

03-08-2004

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To

1 Station House Officer, Jeedimetla Police Station
Jeedimetla (Hyderabad) RR District.
2 Station House Officer Balanagar Police Station
Balanagar, (Hyderabad) RR District.
3 Commissioner of Police, Cyberabad Police Commissionarate,
Lakdikapool, Hyderabad.
4 2CCs to GP for Home, High Court buildings, Hyderabad (o.u.t)

5. 2 CD copies